

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Examiner: Hua Fan : PATENT APPLICATION
In re application of: :
RAINER UECKER
Serial No.: 10/574,172 : **METHOD FOR TRANSMITTING**
MESSAGES IN A NETWORK
Filed: October 25, 2006 :
Group Art Unit: 2456 :
Confirmation No.: 4104 :

Pittsburgh, Pennsylvania 15219

February 1, 2010

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants have responded to the Notice of Non Compliant Appeal Brief dated January 12, 2010 by providing a corrected appeal brief that overcomes the objections to the Brief identified in the Notice and also providing a Petition to address the objection to the drawings issued in the Office Action dated April 20, 2009.

In the Notice, the Examiner states that "The objection issue is strongly recommended to be resolved before we send the case to the Board." There is no basis for this recommendation. As noted in the Notice, the objection is a different ground than the rejection of the claims. The petition may be acted on independently of the rejection of the claims. There is no reason to resolve the objection issue before sending the case to the Board. This is particularly true since the present application has been pending for over three years. Therefore, it is respectfully

requested that this case be sent to the Board as promptly as possible without any unnecessary delays.

Dated: February 1, 2010

Respectfully submitted,

/Ralph G. Fischer/

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